



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 4

Hunton & Williams  
Attn Patrick A Doody  
1900 K Street NW  
Washington, DC 20006

**COPY MAILED**

APR 16 2002

In re Application of  
Pitzen et al.  
Application No. 09/954,526  
Filed: March 5, 2001  
Attorney Docket Number: 54525.000055

OFFICE OF PETITIONS  
DECISION ACCORDING STATUS-  
UNDER 37 C.F.R. §1.47(b)

This is in response to the petition for status under 37 C.F.R. §1.47(b), filed January 4, 2002.

The petition is **GRANTED**.

The above-identified application was filed on March 5, 2001, without an executed oath or declaration. Accordingly, on November 5, 2001, a Notice to File Missing Parts of Application - Filing Date Granted was mailed, requiring applicant to submit an executed oath or declaration, and pay a surcharge for late filing.

In response, on January 4, 2002 applicant filed:

- a declaration of Patrick A. Doody, attorney of applicant,
- assignment documents between 3M and Linvatec,
- documents to establish ownership of invention,
- correspondence with non-signing inventors,
- declaration and power of attorney signed by Patrick Doody on behalf of Linvatec Corporation, (assignee),
- the surcharge under 1.16(e) for late filing, and
- a petition (and fee) under §1.47(b).

Applicant has satisfied the requirements of §1.47(b)<sup>1</sup>. Applicant, by declaration of persons with first hand knowledge and documentary evidence, demonstrated that the non-signing inventors have been presented with a copy of the application papers for signature and that they have refused by their conduct to sign the declaration. Applicant submitted a declaration signed by Patrick A. Doody, attorney for assignee Linvatec Corporation. This declaration has been reviewed and is found in compliance with 1.63, 1.64 and 1.175. Applicant paid the petition fee and included a statement of the non-signing inventors' last known address in the petition. The assignment agreement and documents which establish the chain of ownership establish the applicant's proprietary interest in the application. Applicant has also made a showing of irreparable harm.

This application is hereby accorded Rule 1.47(b) status.

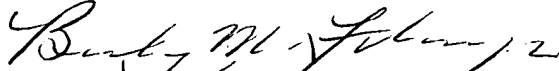
---

<sup>1</sup> A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing of irreparable damage or the need to preserve the rights of the parties.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 1700 for further processing of the application.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

A handwritten signature in cursive script, appearing to read "Beverly M. Flanagan", followed by a large, stylized flourish or checkmark.

Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy